

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	Facility ID No. 24485
University Broadcasting, Inc.)	NAL/Acct. No. 0741420015
)	FRN: 0008120529
)	
Licensee of Station KGEB(TV))	
Tulsa, Oklahoma)	

FORFEITURE ORDER

Adopted: March 30, 2010

Released: April 9, 2010

By the Chief, Video Division, Media Bureau:

I. INTRODUCTION

1. In this Forfeiture Order (“Order”), we issue a monetary forfeiture in the amount of six thousand, four hundred dollars (\$6,400), to University Broadcasting, Inc. (“UBI”), licensee of Station KEB(TV), Tulsa, Oklahoma (“Station”), for its willful and repeated violation of Section 73.670 of the Commission’s Rules (“Rules”)¹ by failing to comply with the limits on commercial matter in children’s programming.

II. BACKGROUND

2. On February 1, 2006, UBI filed an application for license renewal (FCC Form 303-S) for Station KGEB(TV), File No. BRCT-20060201AFA (the “Application”). In response to Section IV, Question 5 of the Application, UBI stated that, during the previous license term, the Station failed to comply with the limits on commercial matter in children’s programming specified in Section 73.670 of the Rules. In Exhibit 19, the licensee indicated that between June 16, 1999, and June 21, 1999, the Station violated the children’s television commercial limits on three occasions when it aired a commercial during a children’s program that offered for sale a tape of the program and a toy that resembled one of the program’s characters. UBI stated that the commercial and the program were provided by the syndicator, O. Atlas Enterprises. In addition, the licensee described the measures that it took to prevent the recurrence of such errors. Moreover, UBI maintained that in August 1999, it notified the Mass Media Bureau of the apparent violations.

3. On March 21, 2007, the Bureau issued a Notice of Apparent Liability for Forfeiture (“NAL”) in the amount of eight thousand dollars (\$8,000) to UBI for its violation.² On April 6, 2007, in response to the NAL, UBI filed a Request for Reduction of Forfeiture (“Request”). Therein, UBI argues that its overall record of compliance with the Commission’s Rules warrants reduction of the proposed forfeiture. Specifically, it states that since becoming an FCC licensee in March of 1998, it has never been the subject of an FCC notice of violation, notice of apparent liability, or forfeiture.

¹ 47 C.F.R. § 73.670.

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 0741420015, DA 07-1317 (MB, rel. Mar. 21, 2007).

III. DISCUSSION

4. The forfeiture amount proposed in this case was assessed in accordance with Section 503(b) of the Act,³ Section 1.80 of the Rules,⁴ and the Commission's *Forfeiture Policy Statement*.⁵ In assessing forfeitures, Section 503(b)(2)(D) of the Act requires that we take into account the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.⁶

5. UBI does not dispute that the Station violated the children's television commercial limits on three occasions when it aired a commercial during a children's program that offered for sale a tape of the program and a toy that resembled one of the program's characters, but argues that its forfeiture should be reduced by at least 20 percent, or 1,600 dollars because of its overall record of compliance.

6. We have considered UBI's request in light of the above statutory factors, our Rules, and the *Forfeiture Policy Statement*. We conclude that UBI willfully and repeatedly violated Section 73.670 of the Rules. However, given UBI's otherwise history of compliance with the Rules, we reduce the forfeiture amount to \$6,400.⁷

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.283 and 1.80 of the Commission's Rules,⁸ that University Broadcasting, Inc., SHALL FORFEIT to the United States the sum of \$6,400 for willfully and repeatedly violating Section 73.3526(e)(11)(iii) of the Commission's Rules.

8. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's Rules within 30 days of the release of this Forfeiture Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁹ Payment of the proposed forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced in the caption above. Payment by check or money order may be mailed to Federal Communications Commission, at P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank—Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number

³ 47 U.S.C. § 503(b).

⁴ 47 C.F.R. § 1.80.

⁵ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999). ("Forfeiture Policy Statement").

⁶ 47 U.S.C. § 503(b)(2)(D).

⁷ See, e.g. *Metropolitan School District of Washington Township*, Forfeiture Order, 23 FCC Rcd 9995 (MB 2008) (reducing forfeiture amount based on licensee's history of compliance); *Claro Communications, Ltd.*, Forfeiture Order, 23 FCC Rcd 359, 362 (EB 2008) (same); *Traffic Control Products of Florida, Inc.*, Forfeiture Order, 23 FCC Rcd 5452, 5454 (EB 2008) (same). See also 47 C.F.R. § 1.80, Note to Paragraph (b)(4), Downward Adjustment Criteria.

⁸ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.283, 1.80.

⁹ 47 U.S.C. § 504(a).

021030004, receiving bank: TREAS NYC, BNF: FCC/ACV--27000001 and account number as expressed on the remittance instrument. If completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code).

9. The Licensee's request for full payment of the forfeiture under an installment plan should be sent to: Associate Managing Director – Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.¹⁰

10. IT IS FURTHER ORDERED, that a copy of this Forfeiture Order shall be sent by Certified Mail Return Receipt Requested and by First Class Mail, to University Broadcasting, Inc., 7777 South Lewis Avenue, Tulsa, OK 74171, and to its counsel, Joseph C. Chautin, III, Esq., Hardy, Carey, Chautin & Balkin, L.L.P., 1080 West Causeway Approach, Mandeville, Louisiana, 70471.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹⁰ See 47 C.F.R. § 1.1914.